



6911 18<sup>TH</sup> AVENUE  
BROOKLYN, NEW YORK 11204  
TELEPHONE (718) 232-1250  
FAX (718) 256-0966

ALFRED POLIZZOTTO (1935-2001)  
ALFRED POLIZZOTTO III\*

EMILIO RODRIGUEZ, JR.  
JENSEN POLIZZOTTO

LONG ISLAND OFFICE  
1129 Northern Boulevard Ste 404  
Manhasset, New York 11030

\*(ADMITTED NEW YORK, NEW JERSEY)

April 9, 2024

**VIA ELECTRONIC FILING**

Honorable Gabriel W. Gorenstein  
United States District Court  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: Erdman v. Victor; 20-cv-4162**

Dear Judge Gorenstein,

I write this letter in response to the April 8, 2024 letter addressed to this Court under Docket #249. In Mr. Erdman's most recent letter to the Court, he attempts to set forth a purported conflict of interest with the Defendant and request for sanctions based on conduct set forth in his letter surrounding a conference held on March 15, 2024.

Turning first to the conduct complained of by the Plaintiff, Plaintiff has misrepresented what transpired during the meeting as well as what transpired over the weekend. During the March 15, 2024 conference, there was a discussion regarding the post-deposition demands made of the Plaintiff particularly surrounding the demand for the specific statements referred to in his deposition which form the basis for his Complaint. It was stated to the Plaintiff that demand was being made for identification and production of the specific statements which the Plaintiff claimed were defamatory and which serve as the basis for his Complaint and his damages and that Defendant was entitled to said information and identification.

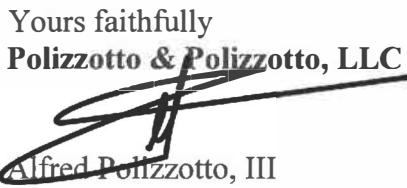
*PLEASE RESPOND TO BROOKLYN OFFICE*

Plaintiff stated he was under no obligation to identify any such documents and that whatever Defendant was seeking was in the document production he had provided and that it was up to the Defendant and counsel to find it. Plaintiff steadfastly refused to identify any such documents as part of his post-deposition discovery and then proceeded to assert that he would be moving to seek sanctions against both me and Emilio Rodriguez for the discovery disputes and alleged inadequacies he has already raised recently before this Court. At the end of his most recent threat of seeking sanctions, Plaintiff stated he was going to have both Mr. Rodriguez and me barred from representing any other litigant in the Southern District as part of his request for sanctions – at that point I ended the call with the Plaintiff before it degenerated any further.

Over this past weekend, Plaintiff e-mailed me alleging a conflict of interest between me and my client resulting from litigation commenced in New York State Supreme Court – New York County between Mr. Victor and the Plaintiff therein (both of whom are members of a Delaware limited liability company). The complaint which the Plaintiff references in his letter is presently the subject of a motion to dismiss and a motion to stay discovery pending the outcome of the motion to dismiss is also pending. This entity which is the subject of this NY State Court action was formed in 2021 and all allegations of any conduct in the action in 2021 and 2022.

Plaintiff was alleging that he believed that my representation of the Defendant could not continue in this Court due to allegations made in the New York State action. I replied to Mr. Erdman that Plaintiff's questions/comments have no bearing on any issue in this action, not calculated to lead to or provide any discovery nor are relevant in any other manner to the litigation. As such, I indicated that I was not responding to Plaintiff's comments/questions and instructed Plaintiff to take whatever steps he felt were appropriate.

Plaintiff's Second Amended Complaint seeks damages for allegedly defamatory statements made by the Defendant. Whether or not allegations in the New York State action referenced by the Plaintiff have any validity will have no bearing on any discovery being conducted herein or on any issues of liability herein.

Yours faithfully  
**Polizzotto & Polizzotto, LLC**  
  
Alfred Polizzotto, III

*Emilio Rodriguez*  
Emilio Rodriguez